

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

[PROPOSED] ORDER

Having considered Plaintiffs’ Motion to Strike the Declaration of Thomas Patrick Lane and Portions of the Declaration of Thomas Kearney (the “Motion”), it is hereby ORDERED that the Motion is GRANTED. Accordingly, the following are stricken from the summary judgment record and will be given no consideration in deciding the parties’ summary judgment motions:

- The Declaration of Thomas Patrick Lane in Support of Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment, ECF No. 397, including all exhibits;
- The following portions of the Declaration of Thomas Kearney in Support of Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment (“Kearney Declaration” or “Kearney Decl.”), ECF No. 400:
 - Exhibits K13_A and K13_B to the Kearney Declaration;
 - Exhibit K5 to the Kearney Declaration and all of Kearney’s testimony regarding Exhibit K5 (Kearney Decl. ¶ 6, Ex. K5);
 - All testimony in the Kearney Declaration based on information and belief (Kearney Decl. ¶¶ 9-12); and
 - All testimony in the Kearney Declaration based on Mr. Kearney’s review of documents about which he has no personal knowledge (Kearney Decl. ¶¶ 13-22).

It is so ORDERED this ____ day of _____, _____.

Judge for the Eastern District of Virginia